



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|--------------------|
| 09/558,925 | 04/26/2000 | John Albert Kembel | 10351-0007 | 1658 |
| 7590 | 10/21/2004 | | EXAMINER | |
| INNOVATION MANAGEMENT SCIENCES 47787 FREMONT BOULEVARD FREMONT, CA 94538 | | | | AVELLINO, JOSEPH E |
| | | ART UNIT | | PAPER NUMBER |
| | | 2143 | | |

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/558,925 | KEMBEL ET AL. |
| | Examiner Joseph E. Avellino | Art Unit 2143 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 August 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31-49 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 31-49 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 31-49 are pending in this application; claims 31, and 42 independent. The office acknowledges the cancellation of claims 1-30 and the addition of claims 31-49.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 31-34, 37, 42-44, and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Furst (USPN 6,297,819).

3. Referring to claim 31, Furst discloses a method for presenting Internet content to a user of a computing device, comprising:
 - retrieving a first internet content that is programmed in a format readable by a web browser program (Figure 3; col. 7, line 35 to col. 8, line 46); and
 - rendering the first internet content to provide a visual manifestation of the first internet content on an output means of the computing device, wherein the visual manifestation of the first internet content is not confined by a window of a Web browser program (Figure 5; col. 8, lines 39-46).

Art Unit: 2143

4. Referring to claim 32, Furst discloses the first Internet content comprises a definition of a frame for the visual manifestation (the Office takes the term "frame" to mean "outline or shape", and it must be inherent that the system of Furst to define a frame of the tool since third parties define the icon in which to display the tool, see col. 7, lines 44-50).

5. Referring to claims 33 and 34, Furst discloses the invention substantively as described in claims 31 and 32. Since claims 33 and 34 defines a second visual manifestation exactly the same as claims 31 and 32, and Furst discloses that multiple bar icons can be shown at the same (Figure 5, 502, 504, 506). Furst discloses another second internet content which produces a second visual manifestation not confined by a window of a browser.

6. Referring to claim 37, Furst discloses the Internet content comprises JavaScript (Jscript) (col. 5, line 2).

7. Referring to claim 42, Furst discloses the invention substantively as described in the claims listed above. Furst furthermore discloses a second visual manifestation of a frame through which the first visual manifestation is presented (the tool icon and the definition of the frame as seen in Figure 5, 502, 504, 506).

8. Referring to claim 43, Furst discloses the receiving step comprises receiving the internet content from the web (Figure 3 and related portions of the disclosure).
9. Referring to claim 44, Furst discloses the receiving step comprises retrieving the internet content from a memory of the computing device (it is understood that the web page must be stored in memory before it can be rendered) (Figure 3).
10. Claim 46 is rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 35, 36, 38-41, and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst.

12. Referring to claims 35 36, and 45, Furst discloses the invention substantively as described in claim 31. Furst does not specify that the internet content comprises XML codes and XML tags for the frame definition. However it is well known that XML code is commonly downloaded over the Internet (i.e. web pages) and that in defining the frames of these web pages, XML tags are used in order to correctly define the frame. By this rationale it would have been obvious to one of ordinary skill in the art to include XML

tags to the system of Furst to provide a more robust method of coding the icons and window bars associated with the invention, thereby allowing another method to provide third parties to code applications easily.

13. Referring to claims 38, Furst discloses the invention substantively as described above. Furst does not specifically disclose that JavaScript tags are used to define the frame of the window and bar. However it is well known that JavaScript has the capability of defining a frame for the tool and one of ordinary skill in the art would find it obvious to do so. By this rationale it would have been obvious to one of ordinary skill in the art to include JavaScript tags in the code in order to provide a more robust method of coding the icons and windows and a bar in order to provide a language in which many browsers understand, thereby increasing the accessibility of the invention.

14. Referring to claims 39-41 and 47-49, Furst discloses the invention substantively as described in claim 31. Furst does not disclose that the Internet content includes creating a media player, a calculator or accessing streaming media. However these functions are well known to exist and one of ordinary skill in the art (i.e. calculation applets are prevalent on the web, media players can be inserted into web browsers, which would stream media from servers) would find it obvious to be able to encode a visual manifestation of these applications in order to provide the viewing public a copy of the application, thereby increasing the knowledge of the general public.

Response to Arguments

15. Applicant's arguments with respect to claims 31-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
17. Dobronsky et al. (USPN 6,784,900) discloses dynamic improvement of internet browser appearance and connectivity.
18. Maslov (USPN 6,538,673) discloses extracting digests, reformatting, and automatic monitoring of structured online documents based on visual programming of document tree navigation and transformation.
19. Pasquali et al. (USPN 6,434,563) discloses a WWW browser configured to provide a windowed content manifestation environment.
20. Friskel et al. (WO 01/80086) discloses dual rendering engine browser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA
October 13, 2004

Will C. Vaughn
Primary Examiner
Art Unit 2143
William C. Vaughn, Jr.